

CITY OF GUNNISON, COLORADO
CITY COUNCIL

**IN THE MATTER OF THE APPLICATION)
FOR A RETAIL MARIJUANA STORE LICENSE)
FOR ACME HEALING CENTR OF GUNNISON LLC) FINDINGS AND DECISION
dba ACME HEALING CENTER OF GUNNISON)
620 S. 9th STREET, GUNNISON, CO 81230)**

TO THE APPLICANT ABOVE-NAMED AND ALL OTHER INTERESTED PARTIES:

Pursuant to 8.50.040 of the Gunnison Municipal Code and Title 12-Article 43.4 C.R.S., you are hereby advised based upon the application for a Retail Marijuana Store License, the investigation conducted by the City of Gunnison, as the local Marijuana Licensing authority, and the evidence submitted at the public hearing, the application of ACME Healing Center of Gunnison LLC, dba ACME Healing Center of Gunnison, 620 S. 9th Street, Gunnison, Colorado, for a Retail Marijuana Store License, is approved for the following reasons and with the following findings and conditions:

FINDINGS:

- (1) There has not been a denial of an application at the same location, on the grounds that the reasonable requirements of the neighborhood were satisfied by the existing establishment.
- (2) It appears from the evidence submitted with the application that the applicant is entitled to possession of the premises where the license is proposed to be exercised.
- (3) Selling Retail Marijuana and Allowed Retail Marijuana-Associated Products, as proposed in the application, is not in violation of the zoning, fire, building, technical, and other applicable codes of the City of Gunnison or the laws of the State of Colorado.
- (4) The building where the application proposes to sell Retail Marijuana and allowed marijuana-associated products does not appear to be within 1000 feet of any public, charter, or parochial school, daycare school, center or home, the principal campus of any college, university or seminary, or mental health facilities.

- (5) Within the City Limits where Retail Marijuana and Marijuana-associated products are proposed to be sold, there are the following existing other outlets:
 - 0 – Medical Marijuana Center
 - 0 – Optional Premises Cultivation Operation
 - 0 – Medical Marijuana-Infused Products Manufacturing
 - 0 – Retail Marijuana Store
 - 0 – Retail Marijuana Cultivation Facility
 - 0 – Retail Marijuana-Infused Product Manufacturing Facility
 - 0 – Retail Marijuana Testing Facility
- (6) Based on the petitions of adult inhabitants of the City of Gunnison, the license applied for will meet the desires of the adult inhabitants of the City of Gunnison.
- (7) All fees necessary for the application have been paid.
- (8) The City Planning and Zoning Commission approved the location as a Conditional Use within the zoning district for a retail marijuana store establishment within the City.
- (9) A Conditional Retail Marijuana Store License has been issued by the Colorado State Marijuana Enforcement Division.

CONDITIONS:

- (1) The Tavern Liquor License currently held for the premise must be surrendered to the City and State before a Retail Marijuana Store License is issued.
- (2) Marijuana establishment shall comply with all provisions, standards and regulations of the *Land Development Code*.
- (3) Marijuana-related odors shall not be discharged or emanate from any licensed marijuana establishment.
- (4) Hours of Operation of the retail marijuana store establishment shall be anytime between 8 a.m. and 10 p.m. Monday through Saturday, and limited to the hours of 1 p.m. to 6 p.m. on Sunday.
- (5) The licensed marijuana establishment is subject to inspections by the Community Development Director or designee. Inspections may include review of operations and maintenance records.
- (6) The Retail Store front window glazing shall not be painted or covered with opaque material, but non-reflective tinted glazing is permitted on the building fenestration.
- (7) Off-premises retail marijuana establishment storage facilities are prohibited.

- (8) The applicant shall provide a revised floor plan that is legible and drawn to a standard scale for measuring dimensions. The floor plan shall identify public exit and emergency exit points with associated dimensions.
- (9) The Restricted Area occupant load is set at 1 person/60 SF. The licensed premises shall be signed with the maximum allowed occupant load.
- (10) The applicant shall provide a revised site plan that is legible and to a standard scale for measuring dimensions. The plan shall depict parking, buffering, landscaping and the building footprint.

Dated this 13th day of October, 2015

MARIJUANA LICENSING AUTHORITY
CITY OF GUNNISON

Gail A. Davidson, City Clerk
City of Gunnison
201 W. Virginia Avenue
Gunnison, CO 81230

CERTIFICATE OF DELIVERY

I hereby certify that I have mailed via USPS certified mail, the foregoing "**FINDINGS & DECISION**" on _____, 2015, to the following address:

Gail A. Davidson, City Clerk

MOTION

I move that the Retail Marijuana Store License for ACME Healing Center of Gunnison LLC dba ACME Healing Center of Gunnison, 620 S. 9th Street, Gunnison, Colorado, 81230, be approved for the following reasons and with the following conditions:

- (1) There has not been a denial of an application at the same location, on the grounds that the reasonable requirements of the neighborhood were satisfied by the existing establishment.
- (2) It appears from the evidence submitted with the application that the applicant is entitled to possession of the premises where the license is proposed to be exercised.
- (3) Selling Retail Marijuana and Allowed Retail Marijuana-Associated Products, as proposed in the application, is not in violation of the zoning, fire, building, technical, and other applicable codes of the City of Gunnison or the laws of the State of Colorado.
- (4) The building where the application proposes to sell Retail Marijuana and allowed marijuana-associated products does not appear to be within 1000 feet of any public, charter, or parochial school, daycare school, center or home, the principal campus of any college, university or seminary, or mental health facilities.
- (5) Within the City Limits where Retail Marijuana and Marijuana-associated products are proposed to be sold, there are the following existing other outlets:
 - 0 – Medical Marijuana Center
 - 0 – Optional Premises Cultivation Operation
 - 0 – Medical Marijuana-Infused Products Manufacturing
 - 0 – Retail Marijuana Store
 - 0 – Retail Marijuana Cultivation Facility
 - 0 – Retail Marijuana-Infused Product Manufacturing Facility
 - 0 – Retail Marijuana Testing Facility
- (6) Based on the petitions of adult inhabitants of the City of Gunnison, the license applied for will meet the desires of the adult inhabitants of the City of Gunnison.
- (7) All fees necessary for the application have been paid.
- (8) The City Planning and Zoning Commission approved the location as a Conditional Use within the zoning district for a retail marijuana store establishment within the City
- (9) A Conditional Retail Marijuana Store License has been issued by the Colorado State Marijuana Enforcement Division.

CONDITIONS:

- (1) The Tavern Liquor License currently held for the premise must be surrendered to the City and State before a Retail Marijuana Store License is issued.
- (2) Marijuana establishment shall comply with all provisions, standards and regulations of the *Land Development Code*.
- (3) Marijuana-related odors shall not be discharged or emanate from any licensed marijuana establishment.
- (4) Hours of Operation of the retail marijuana store establishment shall be anytime between 8 a.m. and 10 p.m. Monday through Saturday, and limited to the hours of 1 p.m. to 6 p.m. on Sunday.
- (5) The licenses marijuana establishment is subject to inspections by the Community Development Director or designee. Inspections may include review of operations and maintenance records.
- (6) The Retail Store front window glazing shall not be painted or covered with opaque material, but non-reflective tinted glazing is permitted on the building fenestration.
- (7) Off-premises retail marijuana establishment storage facilities are prohibited.
- (8) The applicant shall provide a revised floor plan that is legible and drawn to a standard scale for measuring dimensions. The floor plan shall identify public exit and emergency exit points with associated dimensions.
- (9) The Restricted Area occupant load is set at 1 person/60 SF. The licensed premises shall be signed with the maximum allowed occupant load.
- (10) The applicant shall provide a revised site plan that is legible and to a standard scale for measuring dimensions. The plan shall depict parking, buffering, landscaping and the building foot print.